UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,510	12/08/2003	Jon N. Swanson	0920.68747	2343

24978   7590   08/10/2010
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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
08/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/730,510</td><td>Applicant(s)
SWANSON, JON N.</td></tr>
<tr><td>Examiner
MD S. ELAHEE</td><td>Art Unit
2614</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06/03/2010</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13 and 15-23* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-13 and 15-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/03/2010 has

been entered.

Response to Arguments

2.   Applicant's arguments in the 06/03/2010 Remarks have been fully considered but are

moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the

needs at this time.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 1, 3-13 and 15-23 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

It is unclear and confusing as to what the claimed "said real time video data streams are

not combined into a single stream" is (e.g., see claim 1, lines 7-8, claim 19, lines 9-10, claim 20,

lines 9-10). According to the specification (page 11, lines 14-15), it teaches "the audio streams from all of the conference rooms 12 may be bundled into a single stream so that all speakers and audiences can be heard simultaneously over the speakers 32". It is clear that the audio portion of a video data stream from multiple participants are combined into a single stream. In otherword, said real time video data streams are bundled [i.e., combined] into a single stream

Thus, the claim mischaracterizes the invention; the real time video data streams **are combined** into a single stream. Since claims 3-13, 15-18 and 21-23 are dependent claims, these claims are also rejected.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

7.   Claims 1, 3-13 and 15-17, as best understood in light of the 35 U.S.C. 112, second paragraph rejections, are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrikson (U.S. 6,894,715) in view of Boyer (U.S. 5,896,128) further in view of Hamilton (U.S. 6,621,514) further in view of Potekhin et al. (U.S. 7,054,820).

Regarding claim 1, with respect to Figures 1 and 2, Henrikson teaches a method for communicating at least one primary data stream between a plurality of attendees connected to one another by a communications network comprising the steps of:

One of the plurality of attendees communicating a primary selection command that is received by at least a portion of the plurality of attendees, said primary selection command designating at least one of said plurality of real time video data streams communicated from at least one of the plurality of attendees as a primary video stream (col.5, lines 20-24);

Henrikson further teaches each of said at least a portion of the plurality of attendees using said primary selection command to identify said primary video data stream at said at least a portion of the plurality of attendees (col.4, lines 49-52).

However, Henrikson further does not specifically teach communicating a plurality of real time video data streams from each of the plurality of attendees to all others of the plurality of attendees wherein each of the plurality of attendees receives a plurality of real time video data streams including at least one video stream originating from each of the other attendees, wherein said real time video data streams are not combined into a single stream. Boyer teaches communicating a plurality of real time video data streams from each of the plurality of attendees

to all others of the plurality of attendees wherein each of the plurality of attendees receives a plurality of real time video data streams including at least one video stream originating from each of the other attendees (abstract; fig.1-4,13,14; col.2, line 47-col.3, line 20, col.5, lines 1-19). Whereas Hamilton teaches that said real time video data streams are not combined into a single stream (abstract; col.1, lines 40-55, col.2, lines 35-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson to incorporate the feature of communicating a plurality of real time video data streams from each of the plurality of attendees to all others of the plurality of attendees wherein each of the plurality of attendees receives a plurality of real time video data streams including at least one video stream originating from each of the other attendees, wherein said real time video data streams are not combined into a single stream in Henrikson's invention as taught by Boyer and Hamilton. The motivation for the modification is to do so in order to communicate real time voice data such that each of the participants can listen each other based on their individual selection of particular signal media type.

Henrikson in view of Boyer further in view of Hamilton further does not specifically teach that primary selection command is stored in a memory by each of the said at least a portion of the plurality of attendees. Potekhin teaches that primary selection command is stored in a memory by each of the said at least a portion of the plurality of attendees (col.7, lines 54-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson in view of Boyer to incorporate the feature of storing of primary selection command in a memory by each of the said at least a portion of the plurality of attendees

in Henrikson's invention in view of Boyer's invention as taught by Potekhin. The motivation for

the modification is to do so in order to make decision such that a conference system can easily

decide whether a speaker of a conference should be mute or search for a dominant participant.

Regarding claim 3, Henrikson, as applied to claim 1, teaches that said primary selection

command designates a plurality of said plurality of data streams as primary data streams (col.4,

lines 49-52).

Regarding claim 4, Henrikson, as applied to claim 3, teaches that said primary selection

command for selecting a primary video image among said plurality of primary data streams for

display (col.4, lines 24-28).

However, Henrikson in view of Boyer further in view of Hamilton does not specifically

teach that said primary selection command includes a priority ranking. Potekhin teaches that said

primary selection command includes a priority ranking (col.8, lines 1-15). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify

Henrikson in view of Boyer to incorporate the feature of said primary selection command

including a priority ranking in Henrikson's invention in view of Boyer's invention further in

view of Hamilton's invention as taught by Potekhin. The motivation for the modification is to do

so in order to generate appropriate mix of information.

Regarding claim 5, Henrikson, as applied to claim 1, teaches that said at least one

primary data stream is a video data stream, and further including the step of at least some of said attendees displaying said primary data stream in a highlighted manner (col.4, lines 33-35).

Regarding claim 6, Henrikson, as applied to claim 5, teaches that the step of displaying said primary data stream in a highlighted manner comprises displaying said primary stream in a larger display size than any others of said plurality of data streams (col.1, lines 34-36, col.6, lines 49-51).

Regarding claim 7, Henrikson, as applied to claim 5, teaches that the step of displaying said primary data stream in a highlighted manner comprises displaying said primary stream using a display template (col.4, lines 33-37).

Regarding claim 8, Henrikson, as applied to claim 7, teaches that said screen display template includes a designated position for displaying said primary data stream (col.4, lines 24-33).

Regarding claim 9, Henrikson, as applied to claim 1, teaches that each of said plurality of real time data streams has an identifier, and wherein said primary selection command includes said identifier corresponding to said primary data stream (col.4, lines 49-50).

Regarding claim 10, Henrikson, as applied to claim 1, teaches that each of said plurality of real-time data streams has a unique identifier, and wherein said primary selection command

includes said unique identifier corresponding to said at least one primary data stream, and wherein the step of each of the plurality of attendees using said primary selection command to recognize said primary stream further includes using said primary stream identifier (col.4, lines 45-50).

Claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Henrikson, as applied to claim 1, teaches that the plurality of discrete real time data streams includes a plurality of real time video streams and at least one discrete real time audio stream, and wherein said primary selection command designates at least one of said plurality of discrete real time video streams from at least one of said plurality of attendees (col.5, lines 20-26).

Regarding claim 12, Henrikson, as applied to claim 1, in view of Boyer further in view of Hamilton does not specifically teach enforcing one or more rules that define where said primary selection command may be communicated from. Potekhin teaches enforcing one or more rules that define where said primary selection command may be communicated from (col.10, lines 45-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson in view of Boyer to incorporate the feature of enforcing one or more rules that define where said primary selection command may be communicated from in Henrikson's invention in view of Boyer's invention further in view of Hamilton's invention as taught by Potekhin. The motivation for the modification is to do so in order to change stream gain level.

Regarding claim 13, Henrikson, as applied to claim 12, in view of Boyer further in view of Hamilton does not specifically teach said at least one rule calls for said primary selection command to be generated only from a designated one of said plurality of attendees, said at least one rule also allowing for said designated attendee to be changed to a different of said plurality of attendees. Potekhin teaches said at least one rule calls for said primary selection command to be generated only from a designated one of said plurality of attendees, said at least one rule also allowing for said designated attendee to be changed to a different of said plurality of attendees (col.10, lines 45-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson in view of Boyer further in view of Hamilton to incorporate the feature of said at least one rule calls for said primary selection command to be generated only from a designated one of said plurality of attendees, said at least one rule also allowing for said designated attendee to be Changed to a different of said plurality of attendees in Henrikson's invention in view of Boyer's invention further in view of Hamilton's invention as taught by Potekhin. The motivation for the modification is to do so in order to route certain participant to appropriate channel.

Regarding claim 15, Henrikson, as applied to claim 1, teaches said primary selection command is communicated from a meeting facilitator connected to the network, said meeting facilitator monitoring all of said plurality of data streams but not communicating a video or audio data stream to said plurality of attendees, and wherein said at least a portion of said plurality of attendees is all of said plurality of attendees (col.4, lines 66-67, col.5, lines 1-2).

Regarding claim 16, Henrikson, as applied to claim 1, teaches that said primary selection command includes a first primary selection command, and wherein the method further includes the step of communicating a second primary selection command to at least a portion of said plurality of attendees, said second primary selection command causing said at least one primary stream to be replaced by at least one second primary stream identified in said second primary selection command (col.4, lines 66-67, col.5, lines 1-2).

Regarding claim 17, Henrikson, as applied to claim 1, teaches that said second primary selection command is communicated from a second of said plurality of attendees to all others of said plurality of attendees (col.6, lines 8-18).

8.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henrikson in view of Boyer further in view of Hamilton further in view of Potekhin et al. further in view of Jang et al. (U.S. 6,442,758).

Claim 18 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Henrikson, as applied to claim 1, teaches that said plurality of attendees are a plurality of conference rooms participating in a virtual meeting, at least one microphone that generates a real time audio signal, and wherein said at least one primary data stream comprises a plurality of primary data streams, said plurality of primary data stream includes at least one video data stream from each of said plurality of conference rooms (col.5, lines 20-24, col.6, lines 8-18);

However, Henrikson in view of Boyer further in view of Hamilton further in view of Potekhin does not specifically teach each of said conference rooms having a plurality of cameras that each generate a real time video signal. Jang teaches each of said conference rooms having a plurality of cameras that each generate a real time video signal (col.8, lines 32-38). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson in view of Boyer further in view of Hamilton further in view of Potekhin to incorporate the feature of each of said conference rooms having a plurality of cameras that each generate a real time video signal in Henrikson's invention in view of Boyer's invention further in view of Hamilton's invention further in view of Potekhin's invention as taught by Jang. The motivation for the modification is to do so in order to have cameras for easily makes video for the participants in conference.

9.   Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrikson (U.S. 6,894,715) in view of Boyer (U.S. 5,896,128) further in view of Hamilton.

Claim 19 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Henrikson, as applied to claim 1, teaches displaying said primary data stream in a highlighted manner (col.4, lines 33-35).

Claim 20 is rejected for the same reasons as discussed above with respect to claims 1 and 11. Henrikson does not specifically teach communicating said second primary stream identification to said plurality of attendees wherein each of said plurality of attendees receives

said first primary stream identification and said second primary stream identification and uses said first and second primary stream identifications to identify said first and second primary video streams said plurality of users thereby receiving two different primary video data streams at the same time. Boyer teaches communicating said second primary stream identification to said plurality of attendees wherein each of said plurality of attendees receives said first primary stream identification and said second primary stream identification and uses said first and second primary stream identifications to identify said first and second primary video streams said plurality of users thereby receiving two different primary video data streams at the same time (abstract; fig.1-4,13,14; col.2, line 47-col.3, line 20, col.5, lines 1-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson to incorporate the feature of communicating said second primary stream identification to said plurality of attendees wherein each of said plurality of attendees receives said first primary stream identification and said second primary stream identification and uses said first and second primary stream identifications to identify said first and second primary video streams said plurality of users thereby receiving two different primary video data streams at the same time in Henrikson's invention as taught by Boyer. The motivation for the modification is to do so in order to communicate real time voice data such that each of the participants can listen each other.

Claim 21 is rejected for the same reasons as discussed above with respect to claim 19.

Claim 22 is rejected for the same reasons as discussed above with respect to claims 1 and 12. However, Henrikson in view of Boyer further in view of Hamilton does not specifically teach a virtual token to communicate said primary selection command and said one of the plurality of attendees holding said virtual token passing said virtual token to a second of the plurality of attendees wherein said second of the plurality of attendees may communicate said primary selection command. Examiner takes an official notice that a virtual token to communicate said primary selection command and said one of the plurality of attendees holding said virtual token passing said virtual token to a second of the plurality of attendees wherein said second of the plurality of attendees may communicate said primary selection command are well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henrikson in view of Boyer further in view of Hamilton to incorporate a virtual token to communicate said primary selection command and said one of the plurality of attendees holding said virtual token passing said virtual token to a second of the plurality of attendees wherein said second of the plurality of attendees may communicate said primary selection command in Henrikson's invention in view of Boyer's invention further in view of Hamilton's invention in order to pass token to different terminals.

Claim 23 is rejected for the same reasons as discussed above with respect to claims 1 and 12.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner
Art Unit 2614
August 9, 2010